

***“NO CHILD LEFT BEHIND”***

**PUBLIC SCHOOL CHOICE  
AND  
SUPPLEMENTAL EDUCATIONAL SERVICES  
REGULATIONS**

*New Jersey Department of Education  
Office of Title I Program Planning and Accountability*

*School Year 2003-2004*

# Background

- The *No Child Left Behind Act* (NCLBA) reauthorizes the *Elementary and Secondary Education Act*.
- NCLB focuses on increased accountability, boosting student achievement, providing choices to parents, and offering flexibility for schools and administrators.
- A major goal of NCLB is that all students be proficient in reading/writing, mathematics and science as demonstrated on state assessments at the end of 12 years, or 2014.
- Schools that do not meet adequate yearly progress (AYP) for two consecutive years will be identified as “in need of improvement.”

# Public School Choice

- Title I schools in school improvement status must offer public school choice to their students.
- A Title I school enters school improvement after not making AYP for two consecutive years.
- A Title I school exits school improvement after making AYP for two consecutive years.
- A Title I school in need of improvement must offer public school choice the entire time it remains in school improvement.

# What is Adequate Yearly Progress?

- AYP measures the yearly progress toward achieving state academic standards for each student group in a school in language arts literacy and mathematics.
- If just one student group does not perform at the target goal percentage, the school is considered to have not made AYP.
- UNLESS, the percentage of students not scoring proficient in a subgroup is reduced by at least 10 percent in a year, and the subgroup makes progress on the other secondary measure.



# Student Subgroups

- Total Population
- White
- African American
- Hispanic
- Native American
- Asian/Pacific Islander
- Other
- Economically Disadvantaged Students
- Limited English Proficient
- Students with Disabilities



# Title I School Improvement

<b>Year</b>	<b>Status</b>	<b>Sanctions</b>
Year 1	Does not make AYP	NONE
Year 2	Does not make AYP	NONE
Year 3	Does not make AYP School in need of Improvement	Public school choice, technical assistance
Year 4	Does not make AYP School in need of Improvement	Public school choice, supplemental educational services, technical assistance

# Title I School Improvement

<b>Year</b>	<b>Status</b>	<b>Sanctions</b>
Year 5	Does not make AYP School in need of Improvement-corrective action	Public school choice, supplemental education services, corrective action, technical assistance
Year 6	Does not make AYP School on need of Improvement- restructuring	Public school choice, supplemental educational services, plan for restructuring, technical assistance
Year 7	Does not make AYP School in need of Improvement- restructuring	Public school choice, supplemental educational services, implement plan for restructuring

# Eligible Students

- All students enrolled in a Title I school in need of improvement are eligible for school choice.
- If it is not possible to offer school choice to all students requesting it, then priority must be given to the lowest achieving, low-income students.
- Federal government acknowledges transportation limitations.
- Federal government does not acknowledge school capacity limitations.





# Funding For Choice

- The law stipulates that districts must set aside 20 percent of a district's Title I funds for public school choice transportation and supplemental educational services.
- Of the 20 percent, 5 percent must be for supplemental educational services and 5 percent for school choice transportation.
- The remaining 10 percent can be divided among the two.



# What Qualifies a School to be a School of Choice?

- Must have higher academic performance than the original school.
- May not be identified for improvement.
- May include a public charter school within the school district.
- May not be considered persistently dangerous.

# How Many School Choice Options?

- At least two school choices within the district.
- Districts must take into account parents' preferences.
- Districts have some flexibility in determining the range of alternatives.
- May not use lack of capacity to deny transfer option.



# What if There are No Choice Options?

- Parents must still be notified that their child's school is identified as a school in need of improvement and that the child is eligible for school choice, but that no choices are currently available.



# Notification Requirements



- Such notification might also inform parents of the option of supplemental educational services for those children who are eligible.
- Students cannot transfer to a choice school and receive supplemental educational services.

# Notifying Parents

- ❑ Districts must provide an explanation of the school choice option in letters and through other means.
- ❑ Districts notification must be comprehensive, easy to understand, and:
  - Identify each public school that the parent can select.
  - Explain why the choices may have been limited.
  - Describe choice schools' performance and quality.
- ❑ The number of students and schools that participate in public school choice must be publicly reported.



# Transfer Procedures

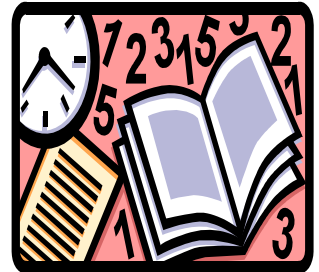
- Determined by the school districts.
- Must allow for parents' decision-making time.
- School districts may need to look at parents' decisions to determine final choice options.
- The school district must offer school choice before the start of the school year.
- Schools may establish a reasonable deadline for choice requests.





# Length of Time for Choice

- School districts must permit students to remain in choice schools until students have completed the highest grade in the school.
- However, school districts are no longer obligated to provide transportation for a student after the end of the school year in which a student's original school is no longer identified for school improvement.
- If the choice school is placed in Title I school improvement, the student would have the option to move again to another school in a subsequent year.





# Responsibilities of the Receiving School

- Must ensure that the students are enrolled in classes and other activities in the school in the same manner as all other students in the school.
- If general district policies place activity restraints on transfer students, then they can be applied to choice transfer students.
- Services, including those for students with disabilities and limited English proficiency students, must follow the student to whatever school choice is allowed.

# School District Policies and Procedures Need to be Developed:

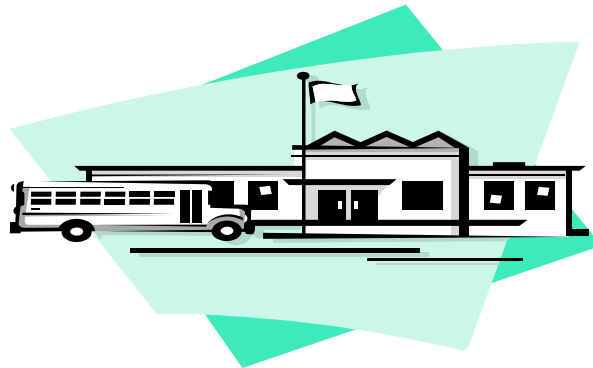
- To ensure parents are provided with school choice information prior to the first attendance day of the school year.
- To ensure the lowest-achieving children from low-income families are given first priority.
- To provide or pay for transportation to receiving public schools.
- To ensure that local school districts shall, to the extent practicable, enter into inter-district governmental agreements.
- To ensure equity for transfer students enrolled in classes and other activities.

# School District Policies and Procedures Need to be Developed:

- Regarding attendance capacity.
- To ensure parents exercise the choice option within a certain period.
- To ensure that once a parent notifies the district regarding school choice option preference, the district determines final availability and notifies parents.
- To ensure upon the parent's final decision, the district offers next step procedures for registration, transportation, etc.
- To ensure students transferred through school choice continue to be eligible for transportation if their original school continues to fail to make adequate yearly progress or if the receiving school enters school improvement status.

# Charter Schools

- Public charter schools must be among the considerations as a school choice option in a district with Title I School Improvement School (s), if the charter school is willing to enter into such an agreement and is not in school improvement status.



# What are Supplemental Educational Services?

- Tutoring and other high quality academic enrichment services provided in addition to instruction during the school day to increase the achievement of eligible children.
- Services are for eligible students.
- Transportation is not provided.
- Services are provided by approved vendors.
- Parents are provided with information to make their choice when more than one provider is available.

# PROCEDURE FOR SERVING ELIGIBLE STUDENTS

- There are two criteria for students to be eligible to receive supplemental educational services
- First, only students enrolled in Title I schools that have been designated as “in need of improvement” for two or more consecutive years are eligible for supplemental educational services.
- Second, eligible students must come from families that meet the federal poverty guidelines. To provide services to each eligible student, priority must be given to the lowest achieving eligible student.

# ROLE OF THE NJDOE

- Identify schools for which supplemental services are required;
- Develop criteria for identifying supplemental educational services providers;
- Identify a wide array of approved supplemental educational services providers;
- Update the list of approved providers on an annual basis; and
- Monitor and evaluate the services delivered by approved supplemental services providers.

# ROLE OF THE LOCAL EDUCATION AGENCIES

- Districts with schools “in need of improvement” must arrange supplemental educational services to eligible children from a provider on the state approved list;
- Notify parents annually of the availability of supplemental services, the approved providers available within the school district, and a description of services;
- Contract with the providers selected by the parents;
- Monitor the provider in the delivery of services; and
- Monitor the progress of students receiving services.



# CRITERIA FOR PROVIDERS

- Evidence of Effectiveness;
- Evidence of Program Quality and Design;
- Connection to State Academic Standards and District Educational Programs;
- Monitoring Student Progress;
- Communication of Student Progress;
- Qualifications of Instructional Staff; and
- Compliance with Federal, State and Local Health, Safety and Civil Rights Laws

# PROVIDERS OF SUPPLEMENTAL SERVICES

Provider must agree to comply with the following:

- Provide parents, the LEA and schools with monthly reports on the progress of students served;
- The instruction and content used by the provider is aligned to and consistent with the curriculum used by the LEA and state; and
- Must be registered with the New Jersey Department of Treasury.

# ENTITIES ELIGIBLE TO APPLY

- Community agencies
- Charter schools (except those identified as “in need of improvement”)
- Private Schools
- Individuals
- Child care centers
- Public schools (except those identified as “in need of improvement”)
- Libraries
- Community colleges
- Private and for-profit companies
- On-line schools
- Family literacy programs
- Faith-based organizations

# PER PUPIL SPENDING LIMIT

- LEAs are limited in how much they can spend to provide supplemental educational services per student and in total.
- LEAs must spend at least five percent, but no more than twenty percent of their allocation for supplemental services. The required breakdown is:
  - An amount equal to 5 percent must be used to provide supplemental educational services (section 1116(b)(10)(A)(ii) and (B));
  - An amount equal to 5 percent must be used to provide, or pay for, transportation for public school choice (section 1116(b)(10)(A)(i));
  - An additional amount equal to 10 percent must be used for either or both (supplemental services, transportation under public school choice), as the LEA determines.

# PER PUPIL SPENDING LIMIT

- The statute specifies that the limit for each student is the lesser of the district's per pupil allocation (Title I allocation divided by the age 5-17 census poverty) or the actual cost of services.
- The NJDOE will notify districts and schools of their census per pupil amounts.

# **DURATION, MONITORING AND REPORTING**

- The NJDOE, in cooperation with the district, is required to monitor the effectiveness of services offered by the provider and to withdraw approval from providers that fail for two consecutive years to contribute to an increase in student academic performance.
- In May of each year, the provider must submit to each school a final written report that summarizes the progress of all students provided with supplemental services.

# GUIDELINES FOR SCHOOL DISTRICTS TO DEVELOP A CONTRACT WITH SUPPLEMENTAL EDUCATIONAL SERVICE PROVIDERS

- A provision for termination of the agreement if the provider fails to meet student's goals;
- An assurance that the provider will not disclose to the public the identity of any students eligible for or receiving supplemental services without the written permission of the parents; and
- An assurance that the supplemental services will be provided consistent with applicable civil right laws.
- **Optional addition to the contract:** a provision stating measures or actions to take if sessions are scheduled and the student does not attend.